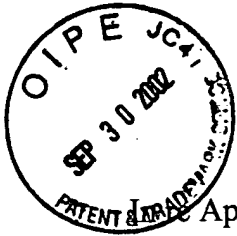


11



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application for:

Ming Fai CHAN, et al.

Serial No.: 09/847,525

Filing Date: May 1, 2001

For: BETA-LACTAM ANTIBIOTICS

Examiner: Mark L. Berch

Group Art Unit: 1624

RECEIVED

OCT 07 2002

TECH CENTER 1600/2900

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In accordance with 37 C.F.R. § 1.56, the reference listed on the attached form PTO-1449b is being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. A copy of the reference listed on the form PTO-1449 is hereby enclosed. The Examiner is requested to make this document of record.

This Information Disclosure Statement is submitted:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months of the application filing date or before receipt of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing date of the first Office Action on the merits. In the event, however that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

- ☒ After receipt of a first Office Action on the merits but before a final Office Action or Notice of Allowance. A fee is required. The Commissioner is hereby authorized to charge Deposit Account No. 50-1189, billing reference 23896-7062 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).
- ☐ After receipt of a final Office Action or Notice of Allowance, but before payment of the issue fee. Accordingly, a Certification under 37 C.F.R. § 1.97(e) is provided herein. The Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

The undersigned certifies that:

- ☒ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application (see attached copy of the International Search Report) not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449b, indicating that the information has been considered and made of record herein.

This Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the U.S. Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-1178 referencing 23896-7062. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: September 26, 2002

By: Michele Todd Wasmuth
Antoinette F. Konski
Registration No. 34,202
Michele Todd Wasmuth
Registration No. 43,239

Bingham McCutchen LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111-4067
Telephone: (650) 849-4950
Facsimile: (650) 849-4800